

July 22, 2013

West Des Moines City Council Proceedings  
Monday, July 22, 2013

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, July 22, 2013 at 5:32 PM. Council members present were: T. Ohmart, K. Trevillyan, and R. Trimble. Council member J. Mickelson participated via telephone. Council member J. Sandager was absent.

On Item 1. Agenda. It was moved by Trimble, second by Trevillyan to approve the agenda as presented.

Vote 13-272: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Police Department Commendation Awards were presented to Officer Jason Hatcher and Officer Jacob Rolph.

Mayor Gaer swore in Police Sergeants Anthony Giampolo and Brent Kock.

Todd Seaman, Recreation Superintendent, announced the winners of the “Eye on West Des Moines” photo contest as follows: Robert Nathanson (“doing business” category), LouAnn Mano (“plants and animals” category), Holly Hung (“raising families” category), Laura Farlee (“seasons” category), and Alison Matthes (“activities and events” category). He stated Allison Matthes’ photo was also selected as the overall winner.

Council member Trevillyan reported he attended a Valley Junction Events Committee meeting today and he will be assisting the Historic Valley Junction Foundation tomorrow with their RAGBRAI party.

Council member Mickelson stated his “Coffee with your Councilman” meeting scheduled for tomorrow will be cancelled because he plans to participate in RAGRBAI. He reported he attended a meeting of the West Des Moines Water Works Board of Trustees and stated that even though WDM Water Works buys water from Des Moines Water Works, that water is mixed with WDM Water Works’ water, so the water with elevated nitrate levels coming from Des Moines Water Works is being diluted and is perfectly safe for consumption. He also reported the Iowa Finance Authority has made funds available for watershed projects through the Wastewater Reclamation Authority, and the City of West Des Moines was the only City that applied for that funding. He commended staff for their efforts in making that application.

July 22, 2013

City Manager Greg Sparks reported he attended a Metro Coalition meeting on July 10<sup>th</sup>, where discussion was held on potential alternative revenue sources. He also reported Althea Holcomb has been hired as the new Director of Human Services. He stated staff held a conference call with Standard & Poor's and the City's AAA rating was confirmed.

On Item 4. Consent Agenda.

Council members pulled Item 4(e) for discussion. It was moved by Trimble, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of July 3, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. MLC Holdings, LLC, d/b/a Blue Moon Dueling Piano Bar & Restaurant, 5485 Mills Civic Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
  - 2. MVC Acquisition, LLC d/b/a Cabaret, 560 Prairie View Drive, Suite 105 - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License with Outdoor Service Privileges (Effective July 26-27 and August 23, 2013) - New
  - 3. Walnut Brewery, Inc. d/b/a Rock Bottom Brewery, 4508 University Avenue - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License with Outdoor Service Privileges (Effective September 3, 2013) - New
  - 4. Taste of the Junction, Inc., d/b/a Taste of the Junction - 5-Day Class B Beer Permit for Street Party Event in the 400 Block of Railroad Place, August 30, 2013 - New
  - 5. Trader Joe's East, Inc., d/b/a Trader Joe's #721, 6305 Mills Civic Parkway - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
  - 6. Stu's Petroleum, d/b/a Valley West Corner Store, 1400 Valley West Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
- d. Approval of Extended Sound Permit - Heritage Bend Block Party
- f. Approval of Professional Services Agreement - Fall Protection Systems - Community Center and Historic City Hall
- g. Approval of 28E Agreement - Teen Center
- h. Approval of Deer Management Zones:
  - 1. 1515 South 35th Street (Ver Ploeg Property)
  - 2. 3856 South Orilla Road (Beck Property)
- i. Order Construction:
  - 1. Jordan Creek Trail, South 19th Street to Grand Avenue
  - 2. Valley Junction Walkway Lighting Improvements, Phase 3
  - 3. Fire/EMS Station #17 Masonry and Windows
- j. Accepting Work - Middle Creek Sanitary Trunk Sewer

July 22, 2013

- k. Approval and Acceptance of Sanitary Sewer Easement - Westside Community Center, 134 6th Street
- l. Approval of Waiver of Underground Provision - Westside Community Center, 134 6th Street
- m. Approval of Encroachment of Buffer Park Easement - 7410 Aspen Drive
- n. Approval of Professional Services Agreement - Grand Technology Gateway
- o. Approval and Acceptance of Various Documents - 4125 Westown Parkway

Vote 13-273: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 4(e) Approval of Appointment - Human Services Advisory Board

Council member Ohmart noted the individual recommended for appointment does not live in West Des Moines and he believes the City's boards and commissions should appoint West Des Moines residents before appointing residents of other communities.

Mayor Gaer stated the individual works in the service industry and the board is required to have three members that work in that industry and this particular individual was recommended by the acting director because she is very knowledgeable about the services. He also noted the board already has current members that live outside West Des Moines.

Council member Ohmart inquired if there are any residents of West Des Moines that work in the service industry.

City Manager Greg Sparks responded yes, and staff made efforts to get the word out to those people.

Council member Ohmart expressed he is still not comfortable with appointing an individual that is not a West Des Moines resident to a City of West Des Moines board.

Council member Trevillyan stated he shares Council member Ohmart's concerns.

It was moved by Trimble, second by Mickelson to approve Item 4(e) Approval of Appointment - Human Services Advisory Board.

Vote 13-274: Mickelson, Trimble...2 yes  
Ohmart, Trevillyan...2 no

Motion failed.

Mayor Gaer requested that staff try to recruit someone from the service industry that lives in West Des Moines, and if such a person cannot be recruited, then he requested staff report back to Council what recruiting efforts were made and propose a recommendation for appointment.

July 22, 2013

On Item 5(a) 2012 Sidewalk Improvement Program, initiated by the City of West Des Moines

It was moved by Ohmart, second by Trimble to adopt Resolution - Preliminary Order for Construction, Resolution - Fixing Values of Lots, Resolution - Approval of Preliminary Plat and Schedule, and Resolution - Approval of Proposed Resolution of Necessity.

Vote 13-275: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Maple Grove West PUD/Maple Grove West Plat 3, east of 98th Street and south of the Union Pacific Railroad - Amend the PUD and PUD Sketch Plan to Increase the Size of Parcel A for Development of Single Family Residential Dwellings; Subdivide the Property into 36 Lots for Residential Development, 4 Lots for Buffer Areas and 4 Public Street Lots, initiated by Triple T Development. He asked for the date the notice was published and the Acting City Clerk indicated the notice was published on July 5, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated on a vote of 5-0, with two members absent, the Plan and Zoning Commission recommended City Council approval of the rezoning request and preliminary plat.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Ohmart to consider the first reading of the ordinance.

Vote 13-276: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

The Acting City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Ohmart to approve the first reading of the ordinance.

Vote 13-277: Mickelson, Ohmart, Trevillyan, Trimble... 4 yes  
Motion carried.

It was moved by Trimble, second by Ohmart to adopt Resolution - Approval of Preliminary Plat.

Vote 13-278: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Lincoln Street Park, generally located at the 300 Block of Lincoln Street - Amend the Planned Unit Development Setback Requirements, initiated by the City of West Des Moines. He asked

July 22, 2013

for the date the notice was published and the Acting City Clerk indicated the notice was published on July 8, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated on a vote of 5-0, with one member abstaining and one member absent, the Plan and Zoning Commission recommended City Council approval of the rezoning request.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Trimble to consider the first reading of the ordinance.

Vote 13-279: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

The Acting City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Trimble to approve the first reading of the ordinance.

Vote 13-280: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Byrne-JAG Law Enforcement Grant, initiated by the City of West Des Moines. He asked for the date the notice was published and the Acting City Clerk indicated the notice was published on July 16, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Ohmart to adopt Motion - Approval of Grant Application.

Vote 13-281: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Issuance of \$400,000 General Corporate Purpose General Obligation Bonds, initiated by the City of West Des Moines. He asked for the date the notice was published and the Acting City Clerk indicated the notice was published on July 9, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public

hearing closed.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Instituting Proceedings to Take Additional Action.

Vote 13-282: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(a) Issuance of \$4,495,000 General Obligation Bonds, initiated by the City of West Des Moines

Jenny Blankenship, Public Financial Management, reported five bids were received and, since some companies submitted bids together as a syndicate, there were 29 total bidders participating. She reported the low bid with a true interest rate of 2.26% was submitted by Hutchinson Shockey, and the refinancing portion of the bond issue will result in approximately \$36,000 of savings to the City.

It was moved by Trimble, second by Trevillyan to adopt Motion - Receive and File Report of Bids, Resolution - Award Sale, and Resolution - Authorize Redemption of Outstanding General Obligation Refunding Bonds, Series 2005A.

Vote 13-283: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(b) Microsoft DM3, 8855 Raccoon River Drive - Construction of an approximately 114,000 sq. ft. Data Center, initiated by Microsoft Corporation

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Site Plan, subject to the applicant meeting all City Code requirements and the following conditions of approval:

1. Prior to the issuance of a final occupancy permit for the final phase of development within this 41.95 acre site and if not otherwise addressed as part of a separate agreement with the City, the applicant shall install public street lights and public sidewalks along the north side of Grand Avenue from the intersection of Grand Avenue and S88th Street to the western boundary of the applicant's property; and along the west side of S88th Street from the intersection of Grand Avenue and S88th Street to the applicant's northern property boundary;
2. The applicant shall construct all internal roads, including temporary roads intended to provide for emergency access and/or circulation to accommodate 75,000lbs gross vehicle weight (gvw) and shall maintain said roads 365 days a year, including the plowing of snow unless otherwise agreed upon in writing by the City's Fire Marshal;

July 22, 2013

3. The City Council approving the use of a gravel surfaced temporary internal circulation drive until such time that a subsequent phase of development causes removal and relocation of the drive or utilizes the drive for a more permanent purpose at which time the drive shall be paved;
4. The applicant abiding by the City's Noise Control Ordinance (Title 5, Chapter 7); and,
5. The applicant acknowledging and agreeing that any intended modifications to the site which differ from that shown on the final approval stamped site plan drawing packet shall require the review and approval of the City prior to implementation. Said changes may require the submittal and approval of a Minor or Major Modification Permit application which shall be reviewed and approved prior to implementation of any changes.

Vote 13-284: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 7(c) West Des Moines Public Services Plat 1, 8550 Grand Avenue - Subdivide Property into 2 Lots for Future Development and 1 Outlot, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Preliminary Plat, subject to the applicant meeting all City Code requirements and the following conditions of approval:

1. The Council deferring the installation of public improvements associated with the property subject of this plat until such time that development of the property occurs.

Vote 13-285: Mickelson, Ohmart, Trevillyan, Trimble...4 yes  
Motion carried.

On Item 8(a) Public Safety Station 19, 8055 Mills Civic Parkway - Amend the Current Specific Plan to Increase the Approved Communications Tower Height from 75 Feet to 180 Feet Tall - City Initiated - Referred to Plan and Zoning Commission

On Item 8(b) Tallyn's Reach, south of Cascade Avenue and north of the intersection of Stagecoach Drive and South 93rd Street - Amend the Planned Unit Development Regulations for Outlot J from Medium Density Residential (PUD Parcel F) to Single Family Residential (PUD Parcel J) Standards to Allow 55 Single Family Residential Lots - KTJ 201, LLC - Referred to Plan and Zoning Commission

On Item 9 - Other Matters

July 22, 2013

Council member Trevillyan stated in light of a recent accident on Fuller Road, involving a cyclist's tire getting into a joint, he suggests staff post signage in that area notifying cyclists that Fuller Road is temporarily closed to bicycles due to road construction.

Mayor Gaer inquired about the City's protection against any possible liability in such instances.

City Attorney Scieszinski responded even though there are "sharos" painted on Fuller Road, the City is protected against liability in such instances because cyclists are on notice to be careful when barricades are up for road construction.

Bret Hodne, Public Works Director, stated the challenge with this contracted project has been that there is no effective way to channel traffic to ensure cyclists avoid open joints on Fuller Road. He suggested that during reconstruction projects on roads with "sharos", he feels it would be best to post signage when there are known potential hazards related to the joints.

Mayor Gaer suggested staff look further into the matter.

Council member Trimble stated he received a complaint from a resident in Glen Oaks that truck drivers on I-35 are using their "jake brakes" at nighttime, which is in violation of posted signage. The resident requested increased police enforcement to address the issue.

Police Chief Shaun LaDue stated he will look into the matter.

Lynne Twedt, Addressing Administrator, reported on issues related to disjointed segments of Army Post Road, east of the Southwest Connector. She presented a couple options for renaming that could provide a solution and requested Council direction on how and when to proceed.

The Mayor and Council suggested staff collaborate with the City of Des Moines on how to address the renaming and then present a recommendation to the Council. They expressed their desire for any potential renaming to occur sooner rather than later.

The meeting was adjourned at 6:37 p.m.

Respectfully submitted,

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Ryan T. Jacobson  
Deputy City Clerk

ATTEST:

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Steven K. Gaer, Mayor